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The conclusions drawn by the author from this painstaking study of continental countries are stated as follows: (1) "The state and local authorities should encourage and financially assist insurance against unemployment; insurance could thus be much extended." (2) "Insurance is best effected through voluntary associations (in practice, generally trade unions) which are managed by the insured themselves; and insurance in this form should be fostered as much as possible." (3) "Side by side with insurance effected through such associations, the state should provide means of insurance for those not otherwise insured." (4) "Insured persons should be given preference at labor exchanges, if as well qualified as other applicants, in the giving of public, and, in so far as employers acquiesce, of private employment." (5) "It is not expedient, on the whole, that insurance should be made compulsory." (6) "Nor does it seem advisable, at least when the insurance is voluntary, that compulsory contributions should be required from employers." Unemployment is considered to be an incident of the present economic system; and, consequently, it is urged that the community should bear the cost of providing for insurance against unemployment.

FRANK T. CARLTON

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Social Reform and the Constitution. By FRANK J. GOODNOW.
American Social Progress Series. New York: Macmillan,
1911. 8vo, pp. xxi+365. \$1.50 net.

The newest volume of Macmillan's American Progress Series consists in substance of the lectures delivered by Professor Goodnow before the New York School of Philanthropy as the Kennedy Lectures for 1911, to which has been added some new material. It is the result of the author's comprehensive observation and keen analysis of all phases of the question: How far does the United States Constitution march with new thought and new conclusions in economics and politics? It is noted that our political problems are due to the efforts of a constantly changing economic system to work in an extremely inflexible political system, the economic system tending always toward concentration and unity, the political system still decentralized and in spirit individualistic. The eighteenth-century conceptions of governmental powers, of individual freedom, and of property rights long since abandoned by other countries but still the basis of our governmental structure produce our chief difficulties. All experience with federal government post-

dating the forming of our Union, e.g., in Canada, Germany, and Australia has been opposed to fixing unalterably the jurisdiction of national and state governments, and in favor of according the federal government great powers. Realizing the practical impossibility of amending our Constitution in this direction, Professor Goodnow has left no stone unturned in the endeavor to discover what are the extreme limits of social reform permitted by the Constitution as it is. The outcome is a detailed, almost minute, examination of court decisions to show the development of our present attitude toward: (1) the powers which Congress may exercise in respect to uniform commercial regulations, federal incorporation, and private law; (2) the constitutionality of political reforms involving the questions of separation of powers, republican form of government, and government ownership; and (3) the constitutionality of some reforms demanded in the name of social progress, i.e., (a) government regulation of monopolies, of relations of labor to employer, of public utility companies, and (b) government aid, e.g., old-age pensions, housing provisions, etc.

In regard to uniform commercial regulation the author concludes that the Supreme Court will be obliged to apply to commerce by land the same rules that it has applied to commerce by water, thereby enlarging the field of congressional action probably even to the point of abandoning the distinction between interstate and intrastate commerce on land just as that distinction has practically been abandoned in commerce on water. Such a stand by the Supreme Court would make possible a political centralization in conformity with existing economic conditions without recourse to a formal amendment to the Constitution. If there is added to this a recognition of the federal power to charter interstate commerce corporations and to license individuals for the same purpose, to confer upon them "authority to manufacture articles to be passed into such commerce and to except all their operations and private-legal relation from any state control whatever"—a power which the author, in a strong argument based on the opinion in *McCulloch v. Maryland*, concludes that Congress has—the total federal power over our industry and commerce seems pretty complete.

As to the power of Congress over private law, the conclusion is that there is good reason for believing that Congress under the judiciary article of the Constitution has power to legislate on the substantive law to be applied by United States courts just as it has legislated on the subject of maritime law under the admiralty jurisdiction of the federal courts; and that this power, used by Congress in the fields of commercial

law, law of common carriers, law of master and servant, and perhaps in real property, domestic relations and inheritances, and applied by the federal courts in the cases over which they have jurisdiction, i.e., between citizens of different states and between citizens and aliens, would "exercise a tremendous influence on the unification of law."

In the field of government regulation and government aid Professor Goodnow finds the federal government endowed with much wider powers in the direction of economic and social reform than it is usually supposed to have; the only limitations are the reasonableness of proposed legislation on the one hand, and on the other the certainty that the taxing power is not used for any other than a distinctly public purpose.

The author's concern seems to be that the American people should not be denied the advantage of orderly and progressive political and social change such as other peoples enjoy. In view of our practically unamendable Constitution he sees no way to secure this advantage to America except through the bold exercise by Congress of the power which it has and a much more liberal application by the courts of the principle of *stare decisis* in order to secure the flexibility in our law necessary to bring it in conformity with social and economic development. He concludes that the only means of inducing a more liberal attitude on the part of the courts toward what is in reality a political function, i.e., the interpretation of the Constitution, is "persistent criticism of those of their decisions which evince a tendency to regard the Constitution as a document to be given the same meanings at all times and under all conditions." On this rests all hope that our law will "adapt itself with reasonable celerity to changing phenomena of life."

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The Socialist Movement. By J. RAMSAY MACDONALD, M.P. New York and London: Henry Holt & Co., 1911. 8vo, pp. 256. Price, 75 cents.

Socialism has become more than a philosophy; it has entered the political arena as a practical policy and as such must stand or fall. It is this aspect of the Socialist movement as a practical policy of social reconstruction and betterment by means of political power which Mr. Macdonald presents. Coming, as it does, from the pen of the chairman of the British Labor Party, the statement is not without authority. The book is a popular exposition of the theory, practice, and party organization of the Revisionists. The doctrines of the materialistic conception of history, economic determinism, the class war, and